



A Publication of the
DEPARTMENT OF REGULATION AND LICENSING FOR PRIVATE DETECTIVES
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Licensing Statistics

As of April 21, 1999, there were 951 private detective and 708 private detective agency licenses in active status. Two hundred and ninety two private detectives and 104 private detective agencies did not renew their license when it expired on August 31, 1998.

Complaint Statistics

The Department received 26 complaints against private detectives and private detective agencies during 1998. Twenty complaints were closed after screening, 12 were closed after investigation. (some from the previous year), and 4 were closed with formal disciplinary action.

The Department received 65 complaints against private security persons or their employing agency during 1998. Fifteen complaints were closed after screening, 22 were closed after investigation (some

from the previous year) and 9 were closed with formal disciplinary action.

Timelines In Complaint Handling Process

The Department of Regulation and Licensing, with the assistance of the regulatory boards in the Department, has published the following timelines for processing and investigating complaints:

Screening Stage – 2 Tracks

1. 45 days (No records requested)
2. 60 days (Records or other additional information requested)

Investigative Stage – 2 Tracks

1. Simple, 90 days
2. Complex, 180

Legal Stage – 2 Tracks

1. Simple, 90 days
2. Complex, 180 days

Hearing Stage – 2 Tracks

1. Simple, 90 days
2. Complex, 180 days

PRIVATE DETECTIVE ADVISORY COMMITTEE

Members of the Committee:

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Executive Staff:

Marlene A. Cummings, Secretary
June Suhling, Deputy Secretary
Myra Shelton, Executive Assistant

Legislative Updates

Biennial Budget Bill – 1999 AB 133/SB 45

This bill contains 12 items that were recommended by Governor Tommy Thompson and which directly or indirectly affect all credential holders in the Department of Regulation & Licensing. Some of the most noteworthy recommendations from the

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perspective of private detectives and private detective agencies are: the expansion of information technology services, creating an Information Technology Specialist position, extension of a Division of Enforcement project, line costs for background checks through the Crime Information Bureau, revised fees for original licenses and license renewal, permission for the Department to assess additional fees if an applicant requests the Department to process an initial application for a credential or a renewal application on an expedited basis, and authority for the Department to cancel a credential if a demand for payment under a credit or debit card transaction is not paid. The proposed fees for an original license as a private detective or for a private detective agency would be \$47. The fee for renewing a private detective or a private detective agency license would be \$89 and \$47, respectively. The initial registration fee would increase \$6. The fee for a private detective license would decrease \$89 and for a private detective agency would increase \$6. The fee for an original license is the same for all occupations and professions in the Department. Renewal fees, however, vary by the cost of enforcement of each type of credential and by the number of credential holders that foot the bill for such costs.

Other Legislative Proposals

The Department is working on several bills that we would like to have introduced during the 1999-2000 Legislative Session. One of the proposals was initiated by the Private Security Advisory Committee, the other by staff in the Department. The first proposal would increase the 30-day temporary private security permit to 90 days. The committee advised that some agencies may want to start out their private security personnel with a temporary permit, rather than a regular permit. The temporary permit would give the agency better control over new private security personnel, help the agency obtain a return on its payment of the permit fee (some agencies regularly pay the permit fee) and prevent private security personnel from obtaining a regular permit at the cost of the agency and then transfer to another agency. A longer temporary permit would also

give the Department more time to obtain federal criminal records checks before granting a regular permit.

A second proposal would permit private detectives to renew their credential, regardless of whether their employing agency has renewed. However, the bottom line in this whole process is that a private detective may never work as a private detective, except under the employment of a licensed private detective agency. Under the current statutes too many renewals are held up, because an agency employer has not yet filed a renewal application or because the agency employer is delinquent in paying taxes to the Department of Revenue.

Contents of the Private Security Regulatory Digest

Due to the fact that there is a tremendous amount of turnover in the private security industry, each issue of the Regulatory Digest for private security personnel will review basic information about licensing and practice requirements. Some of the information will also be included in the Regulatory Digest for private detective agencies. Agencies too, it seems, need to be reminded about some of the licensing and practice requirements pertaining to their employees.

Reminders

1. A person may not practice as a private security person until he or she has a permit.
2. The Department must be notified every time that a private security person leaves the employment of or becomes employed by a private detective agency.
3. People who hold a permit as a private security person may only carry a firearm while on duty if they receive a firearms permit from the Department.
4. Private security persons may not carry a concealed weapon unless they are a police officer or similarly-qualified person.
5. Ushers not holding a private security permit may not have "security" on their uniform.
6. Private security personnel must wear a uniform while on duty, except that a private detective may be private security person in plain clothes.

7. Private security personnel must wear an ID or name tag that is clearly visible to the public.

Advisory Committee

It took a while to get the committee up and running; however, we're now on a roll. There had been other committees in the past and we appreciate the counsel and advice they gave to us. Having had two meetings of the newly-constituted committee thus far, we are looking forward to sinking our teeth into many licensing issues. Some of the questions, relating to who must be licensed to do what, that were raised in past issues of the Regulatory Digest have still not been answered. Two such discussions occurred at the first two meetings of the committee, as you will note in the following excerpts from the meeting minutes

WHO IS REQUIRED TO BE LICENSED?

Secretary Cummings requested that the committee move up on the agenda the discussion relating to insurance adjusters and the circumstances under which they should be licensed as private detective agencies and private detectives. Secretary Cummings had other commitments later in the morning and would not be able to attend all of the meeting.

The committee had a lengthy discussion of this issue. Some of the key discussion opinions or issues raised were the following:

1. One committee member stated that insurance adjusters perform many of the same activities as private detectives; therefore insurance adjusters should be regulated.
2. Another committee member stated that there is no need to license insurance adjusters as private detectives. They obtain their work from insurance companies and they have to be competent to keep receiving work from the insurance companies.
3. One person stated that very few, if any, complaints against insurance adjusters come into the Department of Regulation and Licensing.
4. One person stated that insurance adjusters work for insurance companies which have more knowledge about the adequacy of their services than would be the case if the insurance adjusters were working for the general public.
5. One person pointed out that insurance adjusters do everything they can to help the insurance company win its case, not to protect the general public.

6. One person pointed out that Section 440.26, Stats., says that insurance adjusters are exempt from licensure if they are directly employed by an insurance company. However, s. RL 30.02 (12) (b)7 states that a person is exempt if the person is either directly employed by an insurer or is under contract with an insurer.

7. Some committee members argued that the insurance adjuster should be licensed if the insurance adjuster works for more than one insurance company.

8. Some committee members stated that, if the Department of Regulation and Licensing doesn't regulate insurance adjusters, someone else should.

Motion: Dave Cihlar moved, seconded by Steve Watson, to recommend that independent insurance adjusters who perform any duties under s. RL 30.02 (12) 1& 2, Wis. Admin. Code, for more than one insurer or law firm should be required to be licensed as a private detective. Motion carried with a 7 to 1 vote.

Please note that the current rule, referred to in #6 above, governs current policy. Even though there is significant overlap in what private detectives and insurance adjusters do, insurance adjusters need not be licensed by the Department.

IDENTIFICATION OF DISCUSSION ISSUES BY COMMITTEE MEMBERS

1. The licensure of process servers.
2. The use of computers: documentation, illegal access.
3. Access to open records.
4. Separation of licenses for private detective agencies and private security companies.
5. Pre-license education.
6. Continuing education.
7. The rule that specifies what must be in contracts between licensees and their clients.
8. Permission to carry concealed weapons.
9. Reciprocity of licensure.
10. Liability insurance issues.

Disciplinary Actions

None against private detectives; however, see the Regulatory Digest for Private Security Persons for discipline against such persons.

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Application Processing & Requirements	Press 43
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Visit the Department's Web Site

<http://badger.state.wi.us/agencies/drl/>
Send comments to dorl@mail.state.wi.us

Copies of Regulatory Digest on the Web

See the Web site listed above for past issues of digest(s).

Wisconsin Statutes and Code

Copies of the Private Detective and Private Security Personnel Statutes and Administrative Code can be ordered through the Bureau Office. Include your name, address, county and a check payable to the Department of Regulation and Licensing in the amount of \$5.28. The latest edition is dated April, 1998.

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